

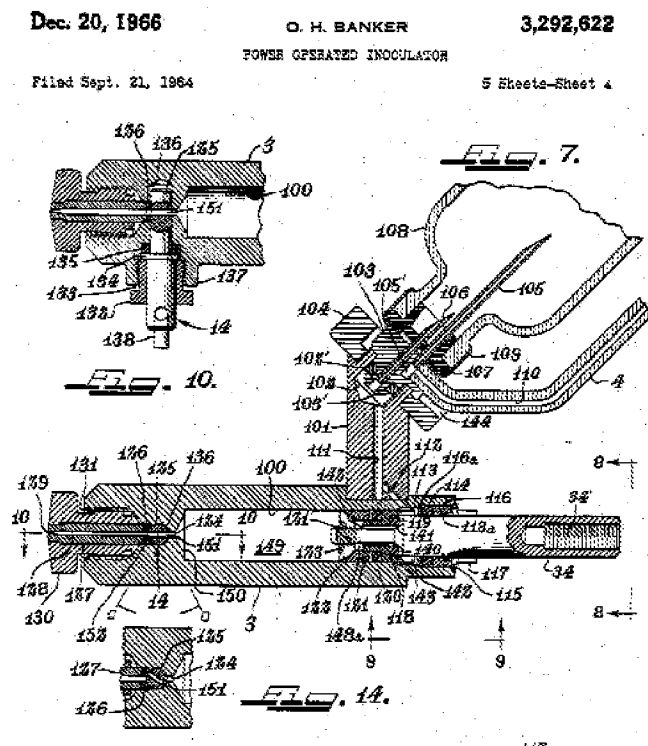
### DETAILED ACTION

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claim 1** is rejected under 35 U.S.C. 102(b) as being anticipated by **Banker (US 3,292,622)**.

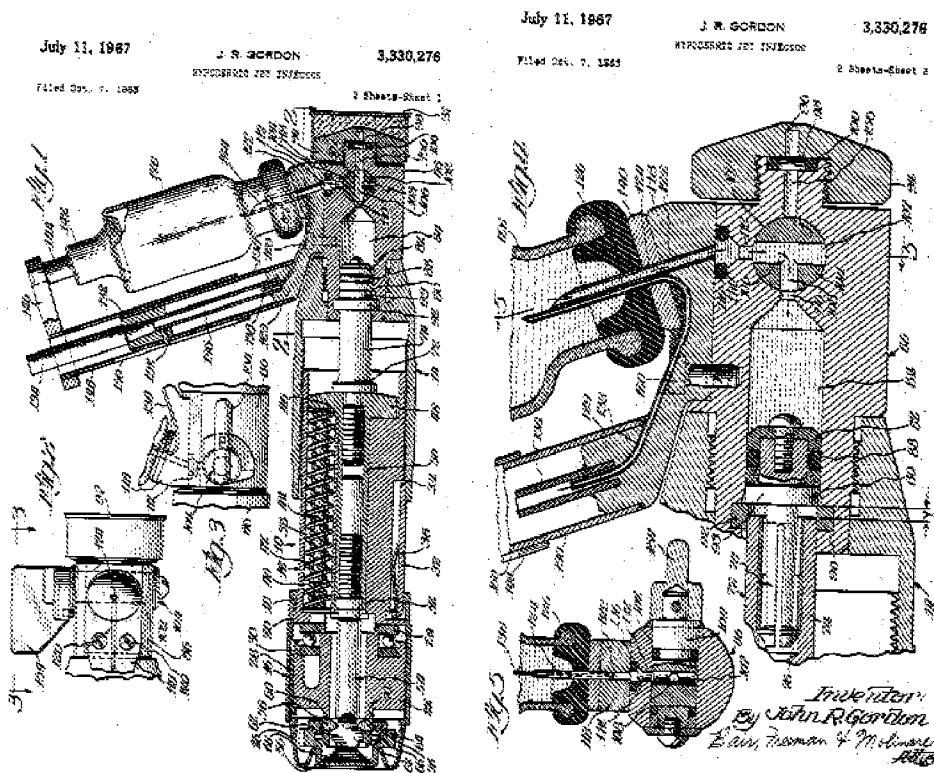


The cited patent shows in figures 7, 10, and 14, a needle-free injection system, comprising of a nozzle including a fluid chamber and an injection orifice; and a filling adapter secured to the nozzle and configured to couple the nozzle with an external supply of injectable fluid to enable filling of the fluid chamber with injectable fluid, where

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the needle-free injection system is configured to prevent delivery of an injection from the injection orifice into an injection site until the filling adapter's ability to enable filling of the fluid chamber has been disabled.

**Claims 1, 7, 9, 11, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Gordon (US 3,330,276).**



The cited patent shows in figures 1-5, a needle-free injection system, comprising of a nozzle including a fluid chamber and an injection orifice; and a filling adapter secured to the nozzle and configured to couple the nozzle with an external supply of injectable fluid to enable filling of the fluid chamber with injectable fluid, where the needle-free injection system is configured to prevent delivery of an injection from the

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injection orifice into an injection site until the filling adapter's ability to enable filling of the fluid chamber has been disabled.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 2-6, 8, 10, 26, 27, 33-41, and 43-45** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Gordon (US 3,330,276)** in view of **Cosmai (US 4,856,567)**.

The Gordon patent does not disclose a vial adapter having a valve configured to seal the external supply of injectable fluid. However, vial adapters having a valve would have been considered well known in the art in view of the teachings of Cosmai. Cosmai shows in 1a-3a, a vial adapter equipped to handle multiple vials and having a valve. Based on the above observations, for a person of ordinary skill in the art, it would have been obvious to modify the vial adapter disclosed by Gordon with a vial adapter having a valve, as taught by Cosmai, in view of the proven conventionality of this enhancement.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manuel A. Mendez whose telephone number is 571-272-4962. The examiner can normally be reached on 0730-1800 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Nicholas D. Lucchesi can be reached on 571-272-4977. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Manuel A. Mendez/

Primary Examiner, Art Unit 3763

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Primary Examiner  
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MM